

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 04-03024-01-CR-S-RED
)	
RANDY J. REED,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

After the undersigned ordered the disclosure of confidential informants, the matter was remanded by the United States District Court for an in camera review.

The defendant seeks disclosure of the identity of informants and/or cooperating individuals who supplied information to Wright County Deputy Larry Shepherd. Defendant questions Shepherd's credibility due to pending charges against him for stealing property while a police officer and other allegations. In order to test that credibility, the undersigned directed the Assistant United States Attorney handling the case to dispatch a federal agent to interview the confidential informants. After that was accomplished, the undersigned held an in camera hearing with the designated agent Don Higgerson, the Resident Agent in Charge of the Bureau of Alcohol, Tobacco, Firearms & Explosives office in Springfield, Missouri. Agent Higgerson testified that he reviewed the statements in the affidavit from Shepherd line by line with each of the four confidential informants, and the informants verified that the information in the affidavits was accurate.

Because the defendant asserts that it is the questioned veracity of Shepherd that tips the balance in favor of disclosure, and because the informants have verified the information to a third party, it is

RECOMMENDED that the defendant's Motion to Disclose Confidential Informants be denied.

/s/ James C. England
JAMES C. ENGLAND
United States Magistrate Judge

Date: May 31, 2005